

EXHIBIT A

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REGISTER OF ACTIONS
CASE No. D-101-CV-2013-02549

BEAU J MUSACCO v. Dr. Mark Elliot Walden, et. al.

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§

Case Type: **Tort**
Date Filed: **09/26/2013**
Location: **Santa Fe County**
Judicial Officer: **Ortiz, Raymond Z.**

PARTY INFORMATION

Attorneys

Defendant **Aragon, Capt. Phillip**

Defendant **BRAVO, ERASMO**

Male Unavailable

Defendant **Corizon**

Defendant **Marcantel, Gregg**

Defendant **Rael, Corrections Officer**

Defendant **Roark, Jerry**

Defendant **Sena, Corrections Officer**

Defendant **The GEO Group**

Defendant **ULIBARRI, ROBERT**

Male

Defendant **Walden, Dr. Mark Elliot**

Plaintiff **MUSACCO, BEAU J**

Pro Se

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

09/26/2013 **Cause Of Actions** Tort: Personal Injury Non Auto
Filed By: MUSACCO, BEAU J
Action Type: Action
09/26/2013 **OPN: COMPLAINT**
Complaint (Tort Claim)
09/26/2013 **INDIGENCY DETERMINATION**
Application for Free Process and Affidavit of Indigency
09/26/2013 **ORD: FOR FREE PROCESS**
Order on Application for Free Process (granted)
09/26/2013 **MTN: TO APPOINT ATTORNEY**
Motion for Appointment of Counsel
10/02/2013 **ORD: ORDER DENYING**
order denying appointment of attorney

First Judicial District Court
 State of New Mexico
 County of Santa Fe

FILED
 FIRST JUDICIAL
 DISTRICT COURT

(Original Copy)

Beau Musacco,
 Plaintiff,

2013 SEP 25 PM 4:30 - 1101 CV 2013 02549

v.

Complaint
 (Tort Claim)

Dr. Mark Elliot Walden,
 Secretary of Corrections Gregg Marcantel,
 Director of Adult Prisons Jerry Roark,
 Warden Erasmo Bravo,
 Deputy Warden Robert Ulibarri,
 The Geo Group,
 Corizon (Medical Corporation),
 Acting Grievance Officer Captain Phillip Aragon,
 Corrections Officer (FNU) Rael,
 Corrections Officer (FNU) Sena, individually and in their official capacities.
 Defendants)

I. NATURE OF ACTION

1. This is a Tort Claim Suit authorized by New Mexico Tort Claim Act, Chapter 41 N.M.S.A. by a corrections department prisoner who seeks damages for the following:
 - a) Violation of Plaintiffs Eighth (8th) Amendment Rights (United States), that **HAS** amounted to CRUEL and UNUSUAL PUNISHMENT, PAIN and SUFFERING, SEXUAL ASSAULT, NEGLIGENCE, and DELIBERATE INDIFFERENCE, By: (1) CONDUCTING AN UNLAWFUL and UNJUSTIFIED INTRUSIVE EXAMINATION, (2) FONDLING PLAINTIFFS PENIS and TESTICLES EXTENSIVELY with NO JUSTIFICATION, (3) IMPROPERLY PENETRATING PLAINTIFFS RECTUM WITHOUT CONSENT or JUSTIFICATION.
 - b) Violation of Plaintiffs New Mexico Constitution Amendment Rights for the reason(s) stated above.

II. JURISDICTION

2. First Judicial District Court has Jurisdiction in Tort Actions pursuant to the New Mexico Tort Claims Act N.M.S.A. Chapter 41.(a). Notice of claim was previously filed with the Risk Management Division pursuant to 41-4-16, N.M.S.A. (1979) on April 8, 2013.

III. PARTIES

3. Plaintiff, Beau Musacco, is currently incarcerated at the Penitentiary of New Mexico - North Facility. At the time of events relevant hereto, Plaintiff was incarcerated at the Guadalupe County Correctional Facility (G.C.C.F.) in Santa Rosa, NM.
4. Defendant, Dr. Mark Elliot Waldon was, at all times relevant hereto, a physician employed by the defendant CORIZON INC. who provided medical services at the Guadalupe County Correctional Facility.
5. Defendant, Gregg Marcantel was, at all times relevant hereto, employed by the State of New Mexico Department of Corrections as the Secretary of Corrections, who has the duty to oversee all correctional facilities throughout the State of New Mexico, and managing their operations and executing the (D.O.C.) policies.
6. Defendant, Jerry Roark was, at all times relevant hereto, employed by the State of New Mexico Department of Corrections as the Director of Adult Prisons, who has the duty to follow up, and respond to all prisoners Departmental Appeals for grievances and classification.
7. Defendant, Erasmo Bravo was, at all times relevant hereto, employed by the G.E.O. Group as Warden of (G.C.C.F.), whose duty as Warden is to oversee and manage its day to day operations and execute its policies.
8. Defendant, Robert Ulibarri was, at all times relevant hereto, employed by the G.E.O. Group as the Deputy Warden of the (G.C.C.F.), whose duty as deputy warden of the prison is to assist in managing its day to day operations and execute its policies.
9. Defendant, The G.E.O. Group was, at all times relevant hereto, owners of the (G.C.C.F.) contracted by the State of New Mexico Department of Corrections to house State prisoners. As owners of the (G.C.C.F.), defendant's duty is to oversee all operations of the private entity.
10. Defendant, Corizon Inc. was, at all times relevant hereto, contracted as medical providers for the State of New Mexico Department of Corrections; contracted to provide medical services to all prisoners throughout the State of New Mexico Correctional Facilities, at the (G.C.C.F.) as medical providers, defendant's duty is to provide safe, proper, and adequate medical care to all prisoners.
11. Defendant, Phillip Aragon was, at all times relevant hereto, employed by the defendant, The G.E.O. Group, as Acting Grievance Officer, who also held the position of Captain Rank, who was Acting Grievance Officer at the time when plaintiff filed his Inmate Grievance, exhausting his administrative remedies,

which the defendant had a duty to provide a thorough, proper investigation into the issues presented within the grievance filed.

12. Defendant, (FNU Rael was, at all times relevant hereto, employed by the defendant, The G.E.O. Group, as a Correctional officer at the (G.C.C.F.) having the duty to provide a safe environment and oversee the prisoners.
13. Defendant, (FNU Sena was, at all times relevant hereto, employed by the defendant, The G.E.O. Group, as a Correctional officer at the (G.C.C.F.) having the duty to provide a safe environment and oversee the prisoners.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Plaintiff, filed the required Informal Complaint on March 26, 2013 receiving negative results on the response from Unit Manager Kenneth Smith at (PNM-South).
15. Plaintiff, then proceeded to file the required Inmate Grievance (SR-13-04-08) on April 6, 2013, receiving negative results on the response from defendant, Acting Grievance Officer Captain Phillip Aragon, at (G.C.C.F.) who refused to complete a fair, thorough investigation into the issues presented. Defendant Aragon referred the issues/grievance elsewhere, refusing to provide plaintiff with a meaningful hearing and exercising deliberate indifference to the issues. No one ever properly responded to the grievance.
16. Plaintiff, then filed a "Departmental Appeal" on May 10, 2013 in regards to the referred grievance (SR-13-04-08). Defendant, Jerry Roark **HAS** deliberately **REFUSED** to respond to the appeal within the allotted time limits per NMCJ policies and procedures. To this present date, Mr. Roark, still has **NOT** provided an adequate response to this appeal and is abusing his authority.
17. Plaintiff, submitted a letter via intra-prison mail on July 22, 2013 to the current, Grievance Officer Michelle Boyer, here at PNM-North Facility, and to defendant Jerry Roark, in reference to the ignored and unanswered "Departmental Appeal", for Grievance (SR-13-04-08) filed on May 10, 2013. Plaintiff, clearly advised defendant Jerry Roark and current Grievance Officer Michelle Boyer, that if they refuse to respond to plaintiffs appeal and/or the submitted letter within seven (7) days, then it is deemed that plaintiff has exhausted all of his administrative remedies, as the plaintiff has no other remedies.

FACTS

18. At the time of events relevant hereto, plaintiff was incarcerated at the (G.C.C.F.) in the segregation unit (HU-1-A*215) from August 19, 2010 to October 19, 2010.

19. On September 22, 2010 Correctional officers/defendants (FNU) Rael and (FNU) Sena escorted plaintiff to medical in full shackles (i.e. belly chains with handcuff and leg irons).
20. Upon arrival at medical, plaintiff was seen by defendant Dr. Walden, which the plaintiff was being seen for "Chronic care" and to review previous blood test results.
21. While defendant Dr. Walden was examining the plaintiff, Dr. Walden committed sexual assault against the plaintiff, with inappropriate sexual misconduct. Dr. Walden unjustifiably started to extensively fondle plaintiff's penis and testicles with absolutely **NO** medical reason or justification, improperly penetrated plaintiff's rectum, committing a sexual assault with his intrusive examination; when the plaintiff was supposed to be there to review the results of his previous blood test. And without **ANY** justification to be unwillingly fondled and sexually molested by Dr. Walden.
22. Plaintiff, was fully restrained and powerless to defendant Dr. Walden's molestation, and against plaintiff's will.
23. As defendant Dr. Walden was checking plaintiff's vitals, etc., then all of a sudden Dr. Walden told plaintiff that he needed to pull down his pants. Plaintiff did not understand "why", feeling that this was not ordinary and questioned Dr. Walden, but cooperated due to the defendant being a doctor.
24. Not knowing what to expect and restrained, Dr. Walden grabbed plaintiff's testicles and asked him to "COUGH" which the plaintiff did, and following the "COUGH" Dr. Walden just continued to fondle the testicles way more than what is necessary or medical protocol.
25. Then without warning or medical justification, Dr. Walden grabbed plaintiff's penis and inappropriately started rubbing it in a perverse manner, from the top of the penis, back down multiple times until plaintiff angrily objected.
26. Defendant, Dr. Walden tried to justify his actions by stating he was only trying to provide a proper examination. Then, Dr. Walden told plaintiff that he was going to examine his behind. When Dr. Walden began running his hand/fingers through plaintiff's buttocks, without any warning or lubrication Dr. Walden "Forcefully" put his finger **INSIDE THE PLAINTIFFS ANAL CAVITY**. Plaintiff, immediately pulled away angrily stating to the defendant, "what the fuck are you doing". The defendant tried justifying his unlawful actions by stating, "this is normal procedure". Plaintiff, angrily responded with heated words until defendant (FNU) Rael stepped in and ordered the plaintiff to leave, escorting him back to his unit/cell. (The entire examination was performed with ^{out} safety gloves, creating a health and sanitary issue).

27. Dr. Walden's actions were not within "accepted medical practice or standards" and acted with complete and total disregard to plaintiff's rights; violating plaintiff's private areas, without justification.
28. During the sexual molestation by Dr. Walden, both defendants Correctional Officers Mr. Sena and Mr. Rael witnessed Dr. Walden's unlawful conduct and sexual misconduct. They acted with deliberate indifference toward plaintiff by refusing to intervene or assist him in stopping this sexual assault, and failing to fulfill their duty to protect plaintiff and provide a safe environment. Instead, all C.O. Sena and C.O. Rael did was roll their eyes in disbelief, and shake their heads from side-to-side knowing that Dr. Walden's actions were unjustified and wrong, and still failed to step in.
29. As defendants C.O. Sena and C.O. Rael were escorting plaintiff back to his housing unit, defendant (ENH) Rael stated to plaintiff, "that was out of line". Plaintiff was in disbelief at what just took place, and embarrassed from the sexual molestation plaintiff experienced.
30. Following the inappropriate sexual assault, defendant Deputy Warden Robert Ulibarri conducted his segregation rounds one to two (1-2) weeks later. D.W. Ulibarri approached plaintiff's cell door, and plaintiff requested to speak with him about the sexual misconduct. Plaintiff, through his cell door advised D.W. Ulibarri what happened to him at medical. D.W. Ulibarri became very defensive and angry, and threatened plaintiff by stating, "IF YOU MENTION THIS TO ANYONE ELSE, I WILL MAKE YOUR LIFE MISERABLE WITHIN THE NM DEPT. OF CORRECTIONS". Defendant D.W. Warden Ulibarri continued to state, "I HAVE CONNECTIONS IN CENTRAL OFFICE AND EVERY PRISON IN NM TO MAKE SURE IT HAPPENS."
31. Being that Plaintiff will not be released from prison any time soon, and after D.W. Warden threatened him, plaintiff became discouraged not knowing what to do out of **FEAR** and never mentioned this sexual molestation/assault to any other prison officials. Plaintiff did not feel comfortable filing any complaint until the advice and support by prior counsel, Katie Curry, in 2013, and other inmates.
32. As previously stated in the "Exhaustion of Administrative Remedies Section", on March 26, 2013 plaintiff filed the required "Informal Complaint" stating the sexual molestation/assault. The "Informal Complaint" was met with negative results. Plaintiff then filed the required "Grievance" on April 6, 2013 and submitted it to Grievance Officer Michelle Boyer at PNM-South Facility. She then forwarded it to the Grievance officers at (G.C.C.F.), defendant Acting Grievance Officer Captain Phillip Aragon. Acting with complete deliberate indifference towards the issues raised and seriousness, defendant A.G.O. Aragon "claimed that he referred the grievance elsewhere".

33. To this present date, "NO ONE" has adequately addressed this grievance in order to give plaintiff an opportunity to finalize the grievance.
34. Due to the fact that defendant A.G.O. Anagen "refused" to adequately address this grievance, he violated plaintiff's DUE PROCESS RIGHTS, hindering the outcome, end result. With due diligence, on May 10, 2013 plaintiff made an effort to exhaust his administrative remedies by filing a "Departmental Appeal" on this grievance (SR-13-04-08). Grievance officer Michelle Boyer (PNM-South) forwarded this appeal to the Director of Adult Prisons Jerry Roark. Who has "Refused" to acknowledge, investigate, address, and respond to such appeal. As previously stated, plaintiff submitted a letter to advise G.O. Michelle Boyer and defendant Jerry Roark that if they "refuse" to respond to the appeal within seven (7) days, it is deemed that plaintiff has taken "ALL" steps to exhaust his administrative remedies. Which Michelle Boyer or defendant Jerry Roark "never" responded to.
35. Plaintiff, has sustained significant "Mental Anguish and Emotional Distress" after being sexually molested/assaulted by defendant Dr. Walden, which can be psychologically verified by mental health. Plaintiff has been placed on psychiatric medications, antidepressants "REMIRON" for the severe anxiety and depression due to this incident, having nightmares and flashbacks.
36. Plaintiff, knows that he is being "DENIED" proper and adequate mental health treatment for his issues out of "Retaliation and Vindictiveness" due to plaintiff raising these claims against all of the defendant(s) mentioned above. Because plaintiff was violated, sexually molested/assaulted, and reported it to the highest level prison officials, plaintiff has been "denied" adequate mental health. Plaintiff has continued to request to speak with Mental Health for the issues previously stated above on multiple occasions in the past five (5) months in person to the psychologist through the cell door and in writing by submitting numerous requests. Within the five (5) months, plaintiff has been seen "ONLY" three (3) times.
37. All defendants mentioned above, at no time served a legitimate penological interest by allowing, exercising deliberate indifference, and reflecting the malicious and sadistic sexual misconduct by defendant Dr. Walden against the plaintiff, and "REFUSING" to investigate the issues presented or intervene.

IV. PRAYER

38. Therefore, plaintiff prays for judgement in his favor and seeks "Compensatory Damages" against all defendants named above in an amount sufficient to compensate him for the mental anguish, emotional distress, pain and suffering, negligence, and deliberate indifference sustained for the reasons set forth above. For causing the plaintiff to suffer from "nightmares, flashbacks, depression, and having anxiety to the extent that it was necessary for the plaintiff to seek

mental health assistance, treatment, and to be prescribed medication. Plaintiff seeks no less than \$200,000, and such additional relief as the Court may deem just and proper.

(1.) Defendant: Dr. Mark Elliot Walden - The maximum amount allowed by the law, and NO LESS than \$200,000 dollars for defendants actions against the plaintiff.

(2.) Defendant: Corizon Inc. - The maximum amount allowed by law, and NO LESS than \$50,000 dollars for defendants actions.

(3.) Defendant: The G.E.O. Group - The maximum amount allowed by law, or as this Courts deems sufficient, and NO LESS than \$200,000 dollars for defendants failure to act, provide a safe environment free of sexual assault, and continuing to allow Dr. Walden to treat other inmates after receiving full knowledge of sexual assaults taking place at (G.E.O.).

(4.) Defendant: Warden Erasmo Bravo - The maximum amount allowed by law, or as this Court deems sufficient, and NO LESS than \$50,000 dollars for defendants failure to act, and failure to provide a safe environment free of sexual assault, and continuing to allow Dr. Walden to treat other inmates with full knowledge of sexual assaults taking place.

(5.) Defendant: Deputy Warden Robert Ulibarri - The maximum amount allowed by law, or as this Court deems sufficient, and NO LESS than \$50,000 dollars for defendants failure to act, failure to provide a safe environment free of sexual assaults, and having full knowledge of the sexual assault on plaintiff, and for this defendants "THREATS" towards the plaintiff.

(6.) Defendant: Acting Grievance Officer Captain Phillip Aragon - The maximum amount allowed by law, and NO LESS than \$50,000 dollars for defendants failure to act, and failure to provide an adequate response to plaintiffs grievance.

(7.) Defendant: Secretary of Corrections Gregg Marcantel - The maximum amount allowed by law, or as this Court deems sufficient, and NO LESS than \$50,000 dollars for defendants failure to act, and failure to provide a safe environment free from sexual assaults.


(8.) Defendant: Director of Adult Prisons Jerry Roark - The maximum amount allowed by law, or as this court deems sufficient, and NO LESS than \$50,000 dollars for defendants failure to act, failure to provide a safe environment free from sexual assault, and failure to provide an adequate response to plaintiffs "Departmental Appeal".

(9.) Defendant: Correctional Officer (FNU) Rael - The maximum amount allowed by law, or as this Court deems sufficient, and NO LESS than \$50,000 dollars for defendants failure to act and STOP the sexual assault this defendant witnessed, and provide a safe environment free from sexual assaults.

(10.) Defendant: Correctional Officer (FNU) Sena - The maximum amount allowed by law, or as this Court deems sufficient, and NO LESS than \$50,000 dollars for this defendants failure to act and STOP the sexual assault this defendant witnessed, and provide a safe environment free from sexual assaults.


39. Plaintiff, in addition seeks "Punitive Damages" against all defendant(s) for their willful, malicious and seditious conduct in allowing, exercising deliberate indifference, and neglecting Dr. Walden's unlawful sexual misconduct, in a sufficient amount as the Court may deem just and proper and/or Jury.
40. Plaintiff, also seeks "Injunctive Relief" against defendant Dr. Mark Elliot Walden, that his license to practice in the medical field be suspended indefinitely so he is unable to victimize anyone else.
- Plaintiff, is also seeking "Injunctive Relief" against the following;
- (1.) All of the (G.C.C.F.) prison officials; defendant Warden Erasmo Bravo, defendant Deputy Warden Robert Ulibarri, A.G.D. Captain Phillip Aragon, c/o (FNU) Rael, and c/o (FNU) Seng that these named defendants be sanctioned, demoted, and/or restricted from working within the Department of Corrections for their actions and participation in this situation, or any actions this Court deems just and proper.
41. Plaintiff, also requests that an "Evidentiary hearing or Jury Trial" be held.

Respectfully Submitted,


Beaul Musacco (Plaintiff)
P.O. Box 1059
Santa Fe, NM 87504

I, hereby certify that a true and correct copy of the foregoing was sent to the following defendants on this 13 day of September, 2013, via USPS mail.

1. Dr. Mark Elliot Walden, "Nicole Charlevoix"-Counsel, 612 First St NW, Albuquerque, NM 87102-2306
2. Secretary of Corrections Gregg Marcantel, P.O. Box 27116, Santa Fe, NM 87502-0116
3. Director of Adult Prisons Jerry Roark, P.O. Box 27116, Santa Fe, NM 87502-0116
4. The G.E.D. Group, ^{c/o Corporate Creations Network INC.} 400 N. Pennsylvania Ave. Suite 600, Roswell, NM 88201
5. Corizon, c/o CT Corporation System, 123 E. Marcy St., Santa Fe, NM 87501
6. Warden Erasmo Bravo, B.C.C.F., P.O. Box 520, S. HWY. 54, Exit 3B, Santa Rosa, NM 88435
7. D.W. Robert Ulibarri, B.C.C.F., P.O. Box 520, S. HWY. 54, Exit 3B, Santa Rosa, NM 88435
8. A.G.D. Captain Phillip Aragon, B.C.C.F., P.O. Box 520, S. HWY. 54, Exit 3B, Santa Rosa, NM 88435
9. C.O. (FNU) Seng, B.C.C.F., P.O. Box 520, S. HWY. 54, Exit 3B, Santa Rosa, NM 88435
10. C.O. (FNU) Rael, B.C.C.F., P.O. Box 520, S. HWY. 54, Exit 3B, Santa Rosa, NM 88435


9-13-13

FILED
FIRST JUDICIAL
DISTRICT COURT *92*

2013 SEP 26 AM 11:34

4-222. Application for free process and affidavit of indigency.
[For use with Supreme Court General Rule 23-114]

STATE OF NEW MEXICO

COUNTY OF Santa Fe

First Judicial District COURT

Beau Musacco, Petitioner,

v.
Dr. Mark Elliot Walden,
Gregg Marcantel,
Jerry Roark,
Erasmus Bravo,
Robert Ulibarrri, Respondent.
The Geo Group,
Corizon,

No. D101CV201302549

APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

Phillip Angon,
Mr. Rael,
Mr. Sena,

I request that the court enter an order permitting me to file this case without prepayment of fees and costs and give upon my oath or affirmation the following statement.

My marital status is: Single ☒ Married ☐ Divorced ☐ Separated ☐ Widowed ☐

I request interpretation services: ☐ yes ☒ no (If yes, please describe what you need)

INFORMATION ABOUT MY FINANCES (check all that apply to you and fill in the blanks):

A. PUBLIC ASSISTANCE

☒ I do not receive public assistance (If you check this blank, go directly to Section B EMPLOYMENT/UNEMPLOYMENT).

☐ I currently receive the following public assistance in _____ County (please check all applicable public assistance programs):

☐ Temporary Assistance for Needy Families (TANF)

☐ Food Stamps

☐ Medicaid

☐ General Assistance (GA)

☐ Supplemental Security Income (SSI)

☐ Social Security Disability Income (SSDI)

☐ Public Housing

☐ Disability Security Income (DSI)

☐ Department of Health Case Management Services (DHMS)

☐ Other (please describe _____)

B. EMPLOYMENT/UNEMPLOYMENT

☒ I am currently unemployed and have been unemployed for ___ months in the past year. I am unemployed because I'm incarcerated.

___ I receive unemployment benefits in the amount of \$_____ per month.

___ I have no income because I am unemployed.

___ I am employed.

My employer's name, address and phone number is:

I am paid weekly ___ every other week ___ twice a month ___ once a month ___.

When I am paid my net take-home pay minus deductions required by law like state and federal tax withholding and FICA is \$_____.

___ I am married, and my spouse is unemployed and has been unemployed for ___ months in the past year because

___ My spouse receives unemployment benefits in the amount of \$ _____ per month.

___ I am married, and my spouse is employed.

My spouse's employer's name, address and phone number is:

My spouse is paid weekly ___ every other week ___ twice a month ___ once a month _____. When my spouse is paid his or her net take home pay minus deductions required by law like state and federal tax withholding and FICA is \$ _____.

C. OTHER SOURCES OF INCOME

___ I have income from another source not mentioned above.

___ Child Support \$ _____

___ Alimony \$ _____

___ Investments \$ _____

___ Community property from my spouse \$ _____

____ Other _____ \$ _____

____ I do not have any other sources of income.

____ I am married, and my spouse has income from another source not mentioned above.

____ Child Support \$ _____

____ Alimony \$ _____

____ Investments \$ _____

____ Other _____ \$ _____

____ Other _____ \$ _____

____ I am married, and my spouse does not have any other sources of income.

D. OTHER ASSETS (Please list other assets owned by you or your spouse that can be turned into cash. Do not include money you have in retirement accounts):

Cash on hand \$ _____

Bank accounts \$ _____

Income tax refund \$ _____

Other assets (describe below):

_____	\$ _____
_____	\$ _____

IF YOU DO NOT HAVE ACCESS TO YOUR OWN OR YOUR SPOUSE'S INCOME OR ASSETS, EXPLAIN WHY.

E. MONTHLY EXPENSES

House Payment/Rent	\$ _____
Utilities	\$ _____
Telephone	\$ _____
Groceries (after food stamps)	\$ _____
Car Payment(s)	\$ _____
Gasoline	\$ _____

Insurance \$ _____
 Child Care \$ _____
 Student and Consumer Loans \$ _____
 Court-ordered family support obligations \$ _____
 Other court-ordered payments \$ _____
 Medical expenses \$ _____
 Other _____ \$ _____

F. HOUSEHOLD

I live at the Penitentiary of New Mexico, P.O. Box 1059, Santa Fe, NM 87504

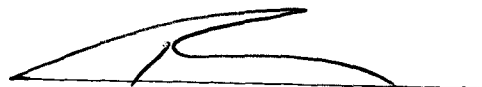
and the head of the household is _____.

Other than myself, the other members of the household are:

<u>Name</u>	<u>Age</u>	<u>Employment</u>	<u>I Support</u>
_____	_____	_____	()

_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the Court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies. If at any time the Court discovers that information in this application for free process was false, misleading, inaccurate, or incomplete at the time the application was submitted, the Court may require me to pay for any costs or fees that were waived under an order of free process that was granted based on the information in this application.



(Signature)

Beau Musacco

(Print Name)

☒ Petitioner ☐ Respondent

(Pro Se)

P.O. Box 1059

(Street Address)

Santa Fe, NM 87504

(City, State, Zip Code)


N/A

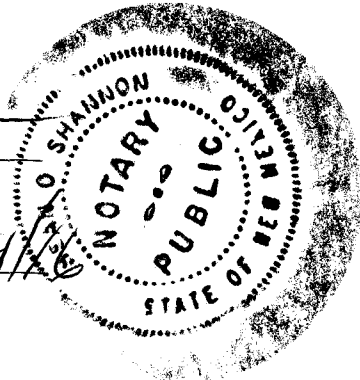
(Telephone)

State of New Mexico)

County of Santa Fe) ss

Signed and sworn to (or affirmed) before me on 8/27/13 (date)
by BEAU MUSACCO (name of applicant).


Notary
My commission expires: 4/24/16



**IF YOU ARE REPRESENTED BY AN ATTORNEY, YOUR ATTORNEY MUST SIGN
THE FOLLOWING CERTIFICATE.**

I, _____, hereby certify that I have not received any attorney
(Name of attorney)

fee to represent _____. If any attorney fee is paid to me, I understand
(Name of applicant)

that I shall pay to the court clerk from such attorney fee any court fees and costs that may
be waived by the court.

Date 08/16/2013

New Mexico Corrections Department
Inmate Trust Accounting
Account Transaction History
From 02/01/2013 To 08/16/2013

Page 1 of 3
abete783

Offender Name		NMCD # Account Description		Account Number
MUSACCO, BEAU JAMES		69950 INMATE REGULAR SPENDING		41145
Transaction ID	Date	Description	Amount	Balance
	02/01/2013	Beginning Balance		174.76
1867301	02/05/2013	PNM-- LEGAL COPIES	-4.75	170.01
1867436	02/06/2013	Commissary Purchase; Invoice 1	-19.45	150.56
1867491	02/06/2013	PNM L5 STORE SALE-TKT-PC-ENV-BATT	-4.00	146.56
1867512	02/06/2013	PNM POSTAGE	-1.12	145.44
1867515	02/06/2013	PNM COPIES	-.50	144.94
1873133	02/13/2013	Commissary Purchase; Invoice 1	-20.99	123.95
1878763	02/20/2013	Commissary Purchase; Invoice 2	-20.84	103.11
1878780	02/20/2013	PNM POSTAGE	-3.77	99.34
1879230	02/22/2013	Commissary Purchase; Invoice 2	-21.81	77.53
1879237	02/22/2013	PNM L5 STORE SALE-PC-ENV-TKT-ENV	-12.83	64.70
1879733	02/27/2013	Commissary Purchase; Invoice 2	.00	64.70
1879753	02/27/2013	PNM L5 STORE SALE-PC-ENV-TKT-BATT	-6.83	57.87
1881119	03/06/2013	Commissary Purchase; Invoice 2	-32.24	25.63
1881162	03/06/2013	PNM POSTAGE	-2.72	22.91
1881162	03/06/2013	PNM POSTAGE	-1.52	21.39
1882601	03/11/2013	Cash Receipt - FLORES, MARY	100.00	121.39
1887339	03/14/2013	Commissary Purchase; Invoice 2	-16.20	105.19
1887454	03/14/2013	PNM L5 STORE SALE-PC & OR ENV	-10.00	95.19
1892352	03/20/2013	Commissary Purchase; Invoice 2	-22.98	72.21
1892364	03/20/2013	PNM POSTAGE	-.66	71.55
1892364	03/20/2013	PNM POSTAGE	-.46	71.09
1892364	03/20/2013	PNM POSTAGE	-1.12	69.97
1892375	03/20/2013	PNM L5 STORE SALE-PC-ENV-TKT-BATT	-11.83	58.14
1893466	03/28/2013	Commissary Purchase; Invoice 2	-23.53	34.61
1893496	03/28/2013	PNM L5 STORE SALE-PC-ENV-TKT-BATT	-19.33	15.28
1894267	04/03/2013	Commissary Purchase; Invoice 2	-14.77	.51
1895138	04/08/2013	Cash Receipt - FLORES, MARY	100.00	100.51
1897601	04/10/2013	Commissary Purchase; Invoice 2	-.48	100.03
1897608	04/10/2013	PNM POSTAGE 3/29/13	-1.12	98.91
1897613	04/10/2013	PNM L5 STORE SALE-TKT-PC-ENV-BATT	-19.67	79.24
1904816	04/17/2013	Commissary Purchase; Invoice 2	-43.32	35.92
1904835	04/17/2013	PNM L5 STORE SALE-PC-ENV-TKT-BATT	-5.00	30.92
1905996	04/24/2013	Commissary Purchase; Invoice 2	-11.07	19.85

Date 08/16/2013

New Mexico Corrections Department
Inmate Trust Accounting

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abete783

Account Transaction History
From 02/01/2013 To 08/16/2013

Offender Name		NMCD # Account Description		Account Number
MUSACCO, BEAU JAMES		69950 INMATE REGULAR SPENDING		41145
Transaction ID	Date	Description	Amount	Balance
1906679	04/24/2013	PNM POSTAGE	-.46	19.39
1906679	04/24/2013	PNM POSTAGE	-1.12	18.27
1906964	04/25/2013	PNM COPIES	-8.00	10.27
1907532	05/01/2013	Commissary Purchase; Invoice 2	-10.16	.11
1908993	05/09/2013	Commissary Purchase; Invoice 2	.00	.11
1912337	05/13/2013	PNM INST PAY-APR'13 - SFS L POD PORTER	13.20	13.31
1912406	05/13/2013	AUTOMATIC CVR DEDUCTION	-1.98	11.33
1912407	05/13/2013	Automatic Savings Deduction	-.66	10.67
1916994	05/15/2013	Cash Receipt - FLORES, MARY	100.00	110.67
1917217	05/15/2013	Commissary Purchase; Invoice 2	.00	110.67
1917226	05/15/2013	PNM L5 STORE SALE	-58.00	52.67
1917229	05/15/2013	PNM L5 STORE SALE-PC-ENV	-20.50	32.17
1919414	05/22/2013	Commissary Purchase; Invoice 2	-20.51	11.66
1919418	05/22/2013	PNM POSTAGE 5/1/13	-1.32	10.34
1919418	05/22/2013	PNM POSTAGE 5/6/13	-5.20	5.14
1920358	05/29/2013	Commissary Purchase; Invoice 2	.00	5.14
1922697	06/07/2013	Commissary Purchase; Invoice 4	-1.18	3.96
1922700	06/07/2013	REF: PNM CANTEEN	2.93	6.89
1922731	06/07/2013	PNM L6 STORE SALE	-2.10	4.79
1929786	06/14/2013	Cash Receipt - FLORES, MARY	100.00	104.79
1931127	06/14/2013	Commissary Purchase; Invoice 4	-3.71	101.08
1932438	06/17/2013	PNM POSTAGE	-.46	100.62
1933422	06/21/2013	Commissary Purchase; Invoice 4	-4.09	96.53
1933432	06/21/2013	PNM L6 STORE SALE-PC & ENV	-5.00	91.53
1933434	06/21/2013	PNM L6 STORE SALE	-.84	90.69
1933856	06/25/2013	PNM POSTAGE	-7.48	83.21
1934366	06/28/2013	PNM L6 STORE-PC & OR ENV	-5.00	78.21
1934368	06/28/2013	PNM L6 STORE SALE	-2.34	75.87
1936498	07/08/2013	Commissary Purchase; Invoice 5	-4.09	71.78
1936545	07/08/2013	PNM L6 STORE-PC & OR ENV	-7.50	64.28
1944596	07/15/2013	Commissary Purchase; Invoice 5	-4.84	59.44
1944611	07/15/2013	PNM POSTAGE	-1.12	58.32
1944616	07/15/2013	PNM L6 STORE SALE-PC & ENV	-2.50	55.82
1944619	07/15/2013	PNM L6 STORE SALE	-2.87	52.95

Date 08/16/2013

New Mexico Corrections Department
Inmate Trust AccountingPage 3 of 3
abete783**Account Transaction History**
From 02/01/2013 To 08/16/2013

Offender Name		NMCD # Account Description		Account Number
MUSACCO, BEAU JAMES		69950 INMATE REGULAR SPENDING		41145
Transaction ID	Date	Description	Amount	Balance
1946553	07/22/2013	Commissary Purchase; Invoice 5	-96	51.99
1946569	07/22/2013	PNM POSTAGE	-.46	51.53
1946709	07/22/2013	PNM POSTAGE	-.46	51.07
1947406	07/26/2013	Commissary Purchase; Invoice 5	-12.12	38.95
1947569	07/29/2013	PNM L6 STORE SALE -PC -ENV	-2.50	36.45
1947575	07/29/2013	PNM L6 STORE SALE	-3.64	32.81
1947666	07/29/2013	PNM POSTAGE	-1.32	31.49
1948621	08/05/2013	Commissary Purchase; Invoice 5	-6.40	25.09
1948709	08/05/2013	PNM L6 STORE SALE	-1.22	23.87
1948968	08/06/2013	PNM POSTAGE	-1.32	22.55
1950549	08/08/2013	Cash Receipt - WRIGHT, BARBARA	100.00	122.55
1951659	08/09/2013	Commissary Purchase; Invoice 5	-13.79	108.76
1951681	08/09/2013	PNM POSTAGE	-.46	108.30
1951686	08/09/2013	PNM L6 STORE SALE-PC-ENV	-6.83	101.47
1951693	08/09/2013	PNM L6 STORE SALE	-3.22	98.25
	08/16/2013	Ending Balance		98.25

8/15/13 83.02

Date 08/16/2013

New Mexico Corrections Department
Inmate Trust AccountingPage 1 of 1
abete783**Account Transaction History**
From 02/01/2013 To 08/16/2013

Offender Name		NMCD # Account Description		Account Number
MUSACCO, BEAU JAMES		69950 DISCHARGE MONEY		41146
Transaction ID	Date	Description	Amount	Balance
	02/01/2013	Beginning Balance		64.33
1912407	05/13/2013	Automatic Savings	.66	64.99
	08/16/2013	Ending Balance		64.99

FILED
FIRST JUDICIAL
DISTRICT COURT

2013 SEP 26 AM 11:35

4-223. Order for free process.

[For use with Supreme Court General Rule 23-114]

STATE OF NEW MEXICO

COUNTY OF Santa Fe

First Judicial District COURT

Beau Musacco, Petitioner,

v.

Dr. Mark Elliot Walden
Gregg Marcantel
Jerry Roark
Warden Erasmo Bravo
Robert Ulibarri

The Geo Group, Respondent.

Corizon
Phillip Aragon
Mr. Rael
Mr. Sena

No. D101CV201302549

ORDER ON APPLICATION FOR FREE PROCESS

THIS MATTER having come before the court on Petitioner's application for free process and affidavit of indigency, or upon Petitioner's attorney's certificate supporting indigency and free process pursuant to Rule 23-114(B)(2) NMRA, and the court being otherwise advised in the premises,

FINDS that:

[] the applicant is entitled to free process in accordance with Rule 23-114(B)(2)

NMRA.

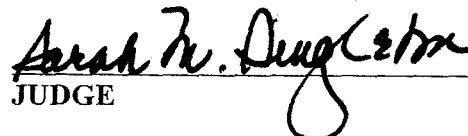
- ☐ the applicant receives public assistance and is, therefore, entitled to free process.
- ☒ the applicant's annual income does not exceed one hundred and ~~forty~~ ^{eight-five} percent (150%) of the federal poverty guidelines, and the applicant is, therefore, entitled to free process.
- ☐ the applicant's annual income exceeds one hundred and fifty percent (150%) of the federal poverty guidelines, but the applicant is not reasonably able to pay fees or costs and is, therefore, entitled to free process.
- ☐ on the basis of the applicant's available funds or annual income, the applicant is not entitled to free process.

THE COURT ORDERS that:

- ☒ the filing fee is waived.
- ☐ the filing fee is waived except for the \$ _____ alternative dispute resolution (ADR) fee.
- ☒ the applicant is granted free service of process by the Sheriff in ^{VARIED} _____ County, New Mexico for 1 2 3 4 5 or 10 summons(es), provided that the applicant first attempts service by certified mail pursuant to Rule 1-004 NMRA.
- ☐ the applicant is granted free service by the Sheriff in _____ County, New Mexico, of a temporary restraining order or _____.
- ☐ the applicant is to pay the filing fee on _____, 20____.
- ☐ interpretation services shall be provided to the applicant.
- ☐ free process is denied.

[] Other: _____

Unless specifically granted above, this order of free process does not include the following costs: jury fees, certification fees, subpoena fees for witnesses, witness fees for hearings or trials, mailings, long distance charges, transcripts for appeals or record proper, duplication fees for audiotapes or compact discs, copy charges, publication fees, or facsimile services. Application for all other costs are to be made to the judge assigned to your case. If the applicant prevails in this law suit and collects money by judgment or settlement, the court may order reimbursement for any waived costs. If the applicant is represented by an attorney who is paid an attorney fee, any fees or costs waived by this order must be deducted from any such attorney fee and paid to the court clerk. *This order is subject to revision, modification or rescission by the judge assigned to your case.*


JUDGE

First Judicial District Court
County of Santa Fe
State of New Mexico

FILED
FIRST JUDICIAL
DISTRICT COURT

2013 SEP 26 AM 11:37

Beau Musacco,
Plaintiff,

v.

Case No. D1D1CV201302549


Dr. Mark Elliot Walden,
Gregg Marcantel,

Jerry Roark,
Enasmo Bravo,
Robert Ulibarri,
The Geo Group,
Corizon,
Phillip Aragon,
Mr. Rael,
Mr. Sena,
Defendants.

Motion For Appointment of Counsel

Comes now the Petitioner, Beau Musacco, Pro-se, respectfully moves this court, pursuant to Chapter 41 of the N.M.S.A. for the appointment of counsel to represent Petitioner in the above matter. Plaintiff, is indigent and lacks access to adequate legal resources (i.e. case law, statutes, etc.). Thus, Plaintiff lacks the knowledge of law and has no assistance at all at the Penitentiary of New Mexico; there's a para-legal that does not provide legal advice and does legal work for the penitentiary, when in fact he's suppose to be providing inmates with adequate legal assistance. Without being appointed counsel, Plaintiff will be denied the right to strategize and present the best case possible.

Therefore, Plaintiff respectfully asks the court to appoint counsel for the above matter, in order to present his strongest case. Also, due to the fact that Plaintiff is without funds or assets to retain counsel in the matter.

Respectfully Submitted,


I certify that a true and correct copy of the foregoing was sent to the First Judicial District Court, P.O. Box 2268, Santa Fe, NM. 87504
On the _____ day of _____, 2013.



9-403. Eligibility determination for indigent defense services.

[For use in the District Court, Magistrate
Court and Metropolitan Court]

STATE OF NEW MEXICO
COUNTY OF Santa Fe
First Judicial District COURT

[STATE OF NEW MEXICO]
[COUNTY OF Santa Fe]

v.

No. _____

Beau Musacco, Defendant

ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES

Name: Beau Musacco DOB: 9-11-80 Age: 32

AKA: _____ Sex: Male Female SSN: 557-63-0365

Address: P.O. Box 1059 Phone: _____

Charges: "Tort Claim", "Two First Degree Murders"

DC# _____ MC# _____

Lives alone: _____ Lives with: spouse _____ children _____ parent _____ friend _____ other ☒

Marital status: Single ☒ Married _____ Divorced _____ Separated _____ Widowed _____

Number of dependents in household: _____

☒ Defendant is in jail. [] Defendant is not in jail.

PRESUMPTIVE ELIGIBILITY:

☒ I currently do not receive public assistance.

☐ I currently receive the following type of public assistance in _____ County:

DEPARTMENT OF HEALTH CASE MANAGEMENT SERVICES (DHMS) \$ _____

AFDC \$ _____ Food Stamps \$ _____ Medicaid \$ _____

DSI \$ _____ Public Housing \$ _____

NET INCOME:

SELF

SPOUSE

Employer's Name

Employer's Phone

Pay Period

(weekly, every second week,

twice monthly, monthly)

Net take home pay (salary

wages minus deductions

required by law)

Other income sources

(please specify)

SCREENING USE ONLY

TOTAL ANNUAL INCOME

\$ _____ + _____ = _____ / _____ / _____ A

ASSETS:

Cash on hand \$ \$

Bank accounts \$ \$

Real estate (equity) \$ \$

\$ \$

Motor vehicles (equity) \$ \$

\$ \$

Other personal property (equity):

(describe and set forth equity)

 \$ \$

 \$ \$

SCREENING USE ONLY

TOTAL ASSETS \$ + = / / B

EXCEPTIONAL EXPENSES (total exceptional expenses of dependents):

Medical expenses (not covered by insurance)..... \$

Court-order support payments/alimony..... \$

Child-care payments (e.g. day care)..... \$

Other (describe) \$

 \$

SCREENING USE ONLY

TOTAL EXCEPTIONAL EXPENSES \$ = / / C

I UNDERSTAND THAT IF IT IS DETERMINED THAT I AM NOT INDIGENT, I MAY APPEAL TO THE COURT WITHIN TEN (10) DAYS AFTER THE DATE I AM ADVISED OF THIS DECISION.

☒ I wish to appeal.

☐ I do not wish to appeal.

STATE OF NEW MEXICO)
) ss
COUNTY OF Santa Fe)

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the screening agent, district defender and the court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies.

8/27/13
Date

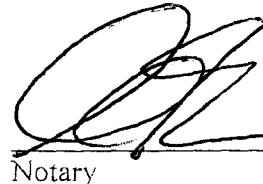

Signature of applicant

State of New Mexico)
) ss
County of Santa Fe)

Signed and sworn to (or affirmed) before me on 8/27/13 (date) by

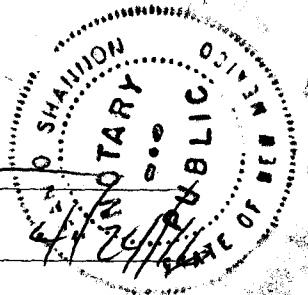
Beau Musacco (name of applicant).

(Seal, if any)



Notary

My commission expires:



COLUMN "A" (net income) plus COLUMN "B" (assets)

SCREENING USE ONLY

minus COLUMN "C" (exceptional expenses)

AVAILABLE FUNDS

equals AVAILABLE FUNDS = / _____

☒ The applicant is indigent.

☐ The applicant is *not* indigent.

☐ The applicant [has] [has not] paid the statutory application fee.

Receipt number: _____

Signature of screening agent

Title

Based on the above answers and information, I find that the applicant (is) (is not) indigent.

(Complete the following only if the court has determined that the applicant is unable to pay the
[~~\$10.00~~] statutory indigency application fee).

☐ I find that the applicant is unable to pay the statutory indigency application fee, and I
therefore waive the payment of the indigency application fee.

Judge or authorized designee

GUIDELINES FOR DETERMINING ELIGIBILITY

Pursuant to Section 31-15-7 NMSA 1978, the following guidelines are established for determination of indigency and eligibility for public defender services.

I. APPLICATION FEE

A person shall pay a non-refundable application fee for each case in the amount set in Section 35-15-12 NMSA 1978 at the time the person applies with the public defender for representation. The application fee may be waived when an applicant is homeless or incarcerated **and** unable to pay the fee.

II. PRESUMPTION OF INDIGENCY

An applicant is presumed indigent if the applicant is a current recipient of state or federally administered public assistance programs for the indigent: temporary assistance for needy families (TANF), general assistance (GA), supplemental security income (SSI), social security disability income (SSDI), food stamps, medicaid, disability security income (DSI), public assisted housing or Department of Health, Case Management Services (DHMS). Proof of assistance must be attached to the application and no further inquiry is necessary. Home equity, *etc.* is not to be taken into account if the applicant is a current recipient of one of the six programs described above.

If the interviewer is unable to complete the indigency application or believes the information to be unreliable because of communication or other problems associated with a mental disability of

FILED IN MY OFFICE
DISTRICT COURT CLERK
10/2/2013 1:29:26 PM
STEPHEN T. PACHECO

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

JLG

Beau Musacco
Petitioner,

v.

No. D-101-CV-2013-02549

Dr. Mark ELLIOTT WALDEN, et al.
Respondent.

ORDER FOR APPOINTMENT OF ATTORNEY

THIS MATTER having come before the Court on Petitioner's motion
for appointment of an attorney, and showing of indigency by affidavit(s), and the Court being
otherwise advised in the premises, the Court orders that the movant:

1. _____ have the following attorney appointed: _____.
2. X be denied the appointment of an attorney.

Raymond Ortiz

DISTRICT COURT JUDGE